

West Area Planning Committee

10 November 2015

Application Number: 15/02846/SP56

Decision Due by: 27 November 2015

Proposal: Application for prior approval for the installation of Solar Photovoltaics (PV) equipment on the roof of non-domestic building.

Site Address: St Aldate's Chambers 109 - 113 St Aldate's, **Appendix 1.**

Ward: Carfax Ward

Agent: JoJu Solar

Applicant: Oxford City Council

Recommendation:

The West Area Planning Committee is recommended to grant prior approval for the following reasons:

- 1 Due to the sensitive location of the panels in a conservation area and their potential impact on views of Oxford, it is considered that the prior approval of the Local Planning Authority is required. The design and external appearance of the development is considered to minimise the impact on the amenity of the area and is considered acceptable subject to concerns about the impact on long views and views from Carfax Tower being addressed by the imposition of conditions relating to the materials to be used in the development and the installation of screening. The impact of glare on occupiers of neighbouring land is considered to be negligible. The proposal is therefore considered to comply with the restrictions and conditions of the relevant permitted development class and with the relevant policies in the Oxford Local Plan and Core Strategy.
- 2 The Council considers that the proposal, subject to the conditions imposed, would accord with the special character and appearance of the conservation area. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity.
- 3 The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.

Conditions

- 1 Materials
- 2 Screening
- 3 Construction Traffic Management Plan

Main Local Plan Policies:

Oxford Local Plan 2001-2016

CP1 - Development Proposals

CP6 - Efficient Use of Land & Density

CP8 - Design Development to Relate to its Context

CP10 - Siting Development to Meet Functional Needs

HE7 - Conservation Areas

HE9 - High Building Areas

HE10 - View Cones of Oxford

Core Strategy

CS9 - Energy and natural resources

CS18 - Urban design, town character, historic environment

Other Material Considerations:

National Planning Policy Framework

This application site falls within the Central Conservation Area.

Relevant Site History:

63/13469/A_H - 95ft high radio mast. PER 28th May 1963.

88/00329/GFH - Removal of existing mast. Replacement with 18.5 metre high 50 millimetre diameter guyed radio mast.. DMD 31st August 1989.

88/00330/LH - Conservation Area consent for removal of existing mast.. PER 31st August 1989.

93/00729/GFH - Erection of microwave antennae at roof level. PER 10th September 1993.

98/00054/GFH - Replacement of existing radio antenna, attached to the tank room on roof.. PER 20th March 1998.

10/02599/CT3 - External alterations to building to include new windows, doors and boiler flue. External ductwork and covered cycle store to courtyard. Provision of heat recovery plant air conditioning units and safety railings to roof.(amended plans). PER 21st December 2010.

Representations Received:

None

Statutory Consultees:

Highways Authority: No objection. A Construction Traffic Management Plan should be submitted to the Local Planning Authority and agreed prior to commencement of works. This should identify: the routing of construction vehicles, access arrangements for construction vehicles, details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours (to minimise the impact on the surrounding highway network).

Determining Issues:

- Permitted development restrictions
- Design and visual amenity
- Glare
- Other matters

Officers Assessment:

Site Description

1. Oxford City Council's office building at St Aldate's Chambers has four storeys plus a basement. It has a flat roof surrounded by a parapet and guard rails, and a lift shaft whose housing protrudes above the level of the flat roof. There is some plant materials sited on the flat roof currently. See **Appendix 1** for site plan.

Proposal

2. The installation of 66 solar panels arranged in 8 arrays on the flat roof of St Aldate's Chambers is proposed. The panels will be orientated south.
3. This is proposed to be carried out as permitted development under Schedule 2, Part 14, Class J(c) of The Town and Country Planning (General Permitted Development) (England) Order 2015. The full wording of Class J is found in **Appendix 2**.
4. The Local Planning Authority is required to establish whether the proposal complies with the restrictions and conditions of Class J.
5. Condition J.4(1)(a) states that the solar PV equipment or solar thermal equipment must, so far as practicable, be sited so as to minimise its effect on the external appearance of the building and the amenity of the area.
6. The reason for this application is that condition J.4(2) states that, for Class J(c) development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the design or external appearance of the development, in particular the impact of glare on occupiers of neighbouring land.

7. Due to the sensitive location of the panels in a conservation area and their potential impact on views of Oxford, it is considered that the prior approval of the Local Planning Authority is required.
8. Therefore, the only issues that can be considered as part of this prior approval application are:
 - whether the application complies with the **permitted development restrictions** specified in Class J
 - an assessment of the design and external appearance of the development and the impact on the amenity of the area – **design and visual amenity**
 - an assessment of the **glare** on occupiers of neighbouring land.

Permitted Development Restrictions

9. The development proposed would comply with the restrictions of Class J as set out in paragraphs J.1, J.2 and J.3. See **Appendix 2** for the full wording and notes relating to this development.

Design and Visual Amenity

10. Measures have been taken to minimise the effect on the external appearance of the building. The panels proposed are frameless and would be set on black plastic housings. They would therefore be less visually intrusive than framed panels set on metal support struts. The proposal does not include the siting of any solar panels in the east area of the flat roof closest to St Aldate's that is closest to the public realm and could impact views from various points on St Aldate's and from the Town Hall building opposite. The panels will not be visible from street level.
11. However, the proposed panels will add to the existing roofscape which may affect views from high points in the city and long views. Screening is proposed to be attached to the guard rails to screen views, both of the panels and the existing plant equipment. Louvred metal or timber screening in a recessive colour in matt finish is likely to be suitable. The screening would be secured by condition. A document assessing the impact of the development on key views of Oxford was submitted as part of the application. The applicant took photographs from the affected view points as specified in the Oxford View Cones Study 2015. The images are not fully verified views but allow a detailed assessment of the development to be undertaken.
12. The rear of the panels will be visible from Carfax Tower, although the arrays closest to Carfax will be concealed by the screening screen. At most, the two more southerly arrays, which form two continuous lines and are therefore less visually jarring, would be visible. The plastic housing as proposed has wind protectors that form a 90-degree angle with the panels. It is felt these would result in quite a cluttered appearance and so officers have looked at alternative housings with the agent and identified a less prominent housing. The use of this housing would be secured by condition and this would minimise the impact of the development on views from Carfax Tower. It is considered that the impact on

views from Carfax would be neutral because the screening would hide the existing plant equipment while some of the solar panels would be visible. It is also noted that should planning permission on a site between the two buildings, reference 14/02256/FUL be implemented, then views from Carfax of the roof of St Aldate's Chambers would be entirely obscured.

13. The panels will just be visible above the parapet in views from Boars Hill and Hinksey Hill viewpoints. However, with screening in place the panels will be completely obscured from these views.
14. Officers consider that appropriate measures have been taken to minimise the visual impact of the development, and that the design and appearance will result in a development that will preserve the appearance of the conservation area.
15. The proposal is therefore considered to comply with condition J.4(1)(a) and J.4(2) in relation to design and external appearance. The proposal would also comply in this respect with policies CP1, CP6, CP8, CP10, HE7, HE9 and HE10 of the Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.

Glare

16. The panels proposed are to be coated with anti-reflective coating to minimise glare.
17. Glare will not be noticeable from Carfax Tower due to panels facing south. The screening proposed would eliminate glare when the development is seen from long views.
18. Due to the building's height in relation to surrounding properties, and the shallow pitch of the proposed panels, there is not considered to be any impact of glare on occupiers of neighbouring land.
19. The proposal is therefore considered to comply with condition J.4(2) in relation to glare. The proposal would also comply in this respect with policies CP1, CP6, CP8, CP10 and HE7 of the Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.

Other matters

20. Class J.4(11) states that the Local Planning Authority may grant prior approval subject to conditions reasonably related to the subject matter of the prior approval.
21. The Highways Authority commented on the application and requested a Construction Traffic Management Plan to identify: the routing of construction vehicles, access arrangements for construction vehicles, details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours (to minimise the impact on the surrounding highway network). This is considered a reasonable condition given the busy location of the

site within the road network.

Conclusion:

For the reasons discussed above, the West Area Planning Committee is recommended to grant prior approval.

Human Rights Act 1998

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant planning permission, subject to conditions. Officers have considered the potential interference with the rights of the owners/occupiers of surrounding properties under Article 8 and/or Article 1 of the First Protocol of the Act and consider that it is proportionate.

Officers have also considered the interference with the human rights of the applicant under Article 8 and/or Article 1 of the First Protocol caused by imposing conditions. Officers consider that the conditions are necessary to protect the rights and freedoms of others and to control the use of property in accordance with the general interest. The interference is therefore justifiable and proportionate.

Section 17 of the Crime and Disorder Act 1998

Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to approve, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

Background Papers: 15/02846/SP56, 14/02256/FUL

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Date: 30th October 2015